

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
AUGUST 11, 2010**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Gordon Cross, Charles Lapp, Frank DeKort, Marc Pitman, Mike Mower, Jim Heim, and Bob Keenan. Jeff Larsen had an excused absence. Alex Hogle, Andrew Hagemeyer and BJ Grieve represented the Flathead County Planning & Zoning Office.

There were 6 people in the audience.

**APPROVAL OF
MINUTES**

Keenan made a motion, seconded by Pitman to approve the July 14, 2010 meeting minutes.

The motion passed by quorum.

**PUBLIC
COMMENT
(not related to
agenda items)**

Russ Crowder, American Dream Montana, passed handouts to the board and wanted to invite the board to the fair to sign their petition. He would love for the planning board members to get on board with American Dream Montana.

**TEMPEL ZONE
CHANGE
(FZC 10-04)**

A Zone Change request in the Highway 93 North Zoning District by Ben & Lorraine Tempel. The proposal would change the zoning on 10 acres, from SAG-10, (Suburban Agricultural) to SAG-5, (Suburban Agricultural). The property is located at 150 Schrade Road.

STAFF REPORT

Alex Hogle Staff reviewed Report FZC 10-04 the Board.

**BOARD
QUESTIONS**

Cross asked if the property was next to SAG-5 zoning.

Hogle said yes.

**APPLICANT
PRESENTATION**

None.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

None.

**STAFF
REBUTTAL**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZC 10-04)**

DeKort made a motion seconded by Hickey Au-Claire to adopt staff report FZC 10-04 as findings-of-fact.

**ROLL CALL TO
ADOPT F.O.F.
(FZC 10-04)**

On a roll call vote the motion passed unanimously.

**MAIN MOTION
TO
RECOMMEND
APPROVAL TO
COMMISSIONERS
(FZC 10-04)**

DeKort made a motion seconded by Pitman to adopt Staff Report FZC 10-04 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

The board and staff discussed if the two existing houses on the property were there before the property was zoned, if one of the houses was a guest home and if the road was an access road or driveway. They also discussed if the application circumvented the system, spot zoning, SAG-10 zoning existing when everyone who lived in it was trying to make it SAG-5, changing the zoning piece by piece, and if the district needed to be looked at for rezoning and the process involved.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FZC 10-04)**

On a roll call vote the motion passed unanimously.

**NORTH FORK
ZONING TEXT
AMENDMENT
DEFINING
EXTRACTIVE
INDUSTRIES
(FZTA 10-03)**

A request by the Flathead County Planning & Zoning Office for a Zoning Text Amendment to the North Fork Zoning District section of the Flathead County Zoning Regulations. The proposal would add a new definition to Section 3.40.050 (1) for Extractive Industries. All other definitions would be renumbered subsequently as numbers two (2) through six (6). The definition would limit the size of any extractive industry in the North Fork Zoning District to five (5) acres and the amount of materials to be removed over a one year period to 20,000 tons. The new definition would be specific to the North Fork Zoning District.

STAFF REPORT	Andrew Hagemeyer reviewed Staff Report FZTA 10-03 for the board.
BOARD QUESTIONS	The board discussed if the application applied to only private property or included public property as well, how many smaller pits would be allowed if there was a major project in the area, how many tons were allowed for each pit, if this application would allow asphalt batch plants in the pits, mineral rights and the Memorandum of Understanding (MOU) and if the application was required by the MOU. They also discussed if there were any Conditional Use Permits (CUPs) which would be affected by this text amendment, the deadline which had passed on the MOU and if the amendment was a result of the MOU or if the neighborhood actually wanted the amendment.
AGENCY COMMENT	None.
PUBLIC COMMENT	<u>Randy Kenyan</u> , 403 7 th Ave W, a member of the North Fork Committee, spoke for himself and the committee when he said the committee was in favor of the application.
MAIN MOTION TO ADOPT F.O.F. (FZTA 10-03)	Pitman made a motion seconded by DeKort to adopt staff report FZTA 10-03 as findings-of-fact.
BOARD DISCUSSION	The board, Kenyan and staff discussed fire danger, the passing of the amendment at the most recent meeting of the North Fork Land Use Advisory Committee, if the MOU was a factor at the meeting and the wording of staff's recommendation.
SECONDARY MOTION TO AMEND STAFF RECOMMENDATION (FZTA 10-03)	DeKort made a motion seconded by Mower to amend staff's recommendation to read: The MOU has identified the North Fork watershed as one of international importance. Protecting the water quality within the watershed is the primary objective of the MOU which is intended to benefit the people of British Columbia, Montana, the Ktunaxa Nation, the Salish Kootenai, and the Pend d' Oreille. The proposed text amendment is an element of the implementation of the MOU and will benefit the general welfare of the people. Staff recommends the Flathead County Planning Board and Board Commissioners adopt staff report FZTA-10-03 as findings of fact

and approve the text amendment to the North Fork Zoning District limiting the size and scale of extractive industries.

**ROLL CALL
VOTE TO
AMEND STAFF
RECOM-
MENDATION
(FZTA 10-03)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

The board and staff discussed eliminating the findings on fire hazard.

**SECONDARY
MOTION TO
AMEND
FINDING #3**

Lapp made a motion, seconded by Pitman to amend finding #3 to read:

Finding #3- ~~The proposed text amendment is designed to secure safety from fire and other dangers because limiting the size and scale of extractive industries is appropriate given the remote location and delayed response times in the area. The proposed text amendment would have no affect on fire safety.~~

**ROLL CALL
VOTE TO
AMEND
FINDING #3**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

The board discussed inserting a finding that the NFLUAC wanted the amendment, it was not all based on the MOU.

**SECONDARY
MOTION TO
AMEND THE
LAST
PARAGRAPH ON
PAGE 8 OF THE
STAFF REPORT**

Pitman motioned and Heim seconded to amend the last paragraph on page 8 of the staff report to read:

~~The MOU has identified the watershed as one of international importance. Protecting the water quality within the watershed is the primary objective of the NFLUAC MOU proposed amendment, which is intended to benefit the people of British Columbia, Montana, the Ktunaxa Nation, the Salish Kootenai, and the Pend d' Oreille. The proposed text amendment is an element of the implementation of the MOU and will benefit the general welfare of the people.~~

**BOARD
DISCUSSION**

None.

**ROLL CALL
VOTE TO
AMEND THE
LAST
PARAGRAPH ON
PAGE 8 OF THE
STAFF REPORT**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

The board discussed other motions which could be made to take out the references to the MOU.

The board and Grieve discussed at length the difference between editing the report and adopting findings of fact, what exactly was forwarded to the commissioners on the file, how to convey the fact they did not make their decision based on the MOU and process.

**SECONDARY
MOTION TO
ADD FINDING
OF FACT #11**

Keenan motioned and Hickey-AuClaire seconded to add a new finding of fact #11 which read:

***Finding #11-** Public testimony and staffs comments indicated that the main motive of the North Fork Land Use Advisory Committee proposing this amendment was protecting water quality and not complying with the MOU.*

**BOARD
DISCUSSION**

None.

**ROLL CALL
VOTE TO ADD
FINDING OF
FACT #11**

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

The board discussed if there was anything wrong with connecting the staff report with the adoption of the findings of fact and if the report helped clear up definitions concerning extractive industries.

**ROLL CALL TO
ADOPT F.O.F.
(FZTA 10-03)**

On a roll call vote, the motion passed 7-1 with Lapp dissenting.

**MOTION TO
RECOMMEND
APPROVAL
(FZTA 10-03)**

Hickey Au-Claire made a motion seconded by DeKort to adopt Staff Report FZTA 10-03 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

Lapp said he would vote against the application because it was tied too much to the MOU.

Cross said it was his opinion the North Fork citizens were the ones who were concerned which made the state concerned which made the country concerned which in turn resulted in the MOU. It wasn't another country telling us what to do.

**ROLL CALL
VOTE TO
RECOMMEND
APPROVAL
(FZTA 10-03)**

On a roll call vote, the motion passed 7-1 with Lapp dissenting.

**MOTION TO
CHANGE THE
ORDER OF THE
AGENDA**

Pitman made a motion to amend the agenda to have old business discussed before committee reports.

**VOTE TO
CHANGE THE
ORDER OF THE
AGENDA**

The motion passed unanimously.

OLD BUSINESS

Hogle updated the board on the changes to the Flathead County Trails Plan. He discussed the parks board's approval the changes, the fact he brought new resolutions with the change of BJ Grieve inserted where Jeff Harris' name was since Grieve was now acting interim director, and specific changes to the plan.

The board and staff clarified the discussed changes.

Hogle said they had not specifically addressed changes in the appendices. He felt confident in the information addressed in the appendices.

Cross and Hogle briefly discussed the process concerning the plan.

**MOTION TO
ADOPT
CHANGES TO
THE TRAILS
PLAN**

Pitman motioned and Hickey-AuClaire seconded to adopt the changes to the trails plan.

**BOARD
DISCUSSION**

The board discussed briefly the changes included in what would be forwarded.

**ROLL CALL
VOTE TO
ADOPT
CHANGES TO
THE TRAILS
PLAN**

On a roll call vote, the motion passed unanimously.

**MAIN MOTION
TO ADOPT THE
TRAILS PLAN**

Pitman motioned and Mower seconded to sign a resolution to adopt the trails plan.

**BOARD
DISCUSSION**

The board briefly clarified wording on the resolution.

**ROLL CALL
VOTE TO
ADOPT THE
TRAILS PLAN**

On a roll call vote, the motion passed 7-1 with Lapp dissenting.

**BOARD
DISCUSSION**

Mower wanted to say for the record, the people who had worked on the plan should be commended for their effort on a volunteer basis.

The board agreed with Mower.

**CONTINUATION
OF OLD
BUSINESS**

Grieve passed the board handouts, updated the board on the Kalispell City Plan Master Amendment on West Reserve Drive and explained why the amendment could be coming before the board at length.

The board and Grieve discussed briefly who was involved in the amendment and why the amendment would be needed. They also discussed what area would be included and why, current zoning, what kind of businesses were in the area, benefits to the

amendment, how tracts of property may be split, and the process involved.

COMMITTEE REPORTS

Hickey Au-Claire said Committee A had not met.

Cross said Committee B had not met. He asked if anyone knew what the commissioners' decision on the BOA's authority to revoke CUPs was.

The board and Grieve discussed what the commissioners wanted the board to do concerning the issue, the difficulties with the issue, whether the commissioners wanted anything done on the issue, and the reasons for the BOA to have the power for revocation.

NEW BUSINESS

Grieve presented to the board and explained a document which would help assess the strengths and weaknesses of the planning office and remedies for the weaknesses.

The board and Grieve discussed ways to improve communication with the board, community outreach, what information the board wanted from staff, what the board wanted for a work plan for both the board and planning office and if and when the board wanted a retreat with staff concerning these issues. They discussed and clarified Grieve's handout and what would happen with the information. They also discussed how staff could inform the public and board on what they do and what their roles and responsibilities in the process was.

Grieve informed the board of applications which would be appearing on future agendas.

The board and Grieve discussed how information should come to the board and what could be shared legally and not violate open meeting and public notice laws, etc. at length. They also discussed the roles of staff and the board in relation to each other and violation complaints. They discussed at length alternate ways to make a motion concerning findings of fact in the future and the reasons why, what was sent to the commissioners from the file and if they could be informed of commissioners' decisions on the files.

ADJOURNMENT

The meeting was adjourned at approximately 8:37 pm. on a

motion by Keenan. The next meeting will be held at 6:00 p.m. on September 8, 2010.

Gordon Cross, President

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 9/8/10*